

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**IN RE: GERBER PRODUCTS COMPANY
BABY FOOD LITIGATION**

This Document Relates To:

All Actions

Master File No. 2:21-cv-01977-CCC-MF

HON. Claire C. Cecchi

Motion Return Date: June 7, 2021

**NOTICE REGARDING DEFENDANT GERBER PRODUCTS
COMPANY'S FILING OF MOTION TO TRANSFER VENUE OF
RELATED CASES PENDING IN THE EASTERN DISTRICT OF
VIRGINIA TO THE DISTRICT OF NEW JERSEY**

Defendant Gerber Products Company (“Gerber”) respectfully submits this Notice to advise the Court that on May 21, 2021, Gerber filed a motion to transfer venue of actions related to the above-captioned case pending against Gerber in the United States District Court for the Eastern District of Virginia to this District pursuant to the first-to-file rule and 28 U.S.C. § 1404(a).¹ Upon transfer from the Eastern District of Virginia, the cases currently pending in that district will be consolidated with the New Jersey Actions pending and consolidated before this Court, including the first-filed *Shepard* Action. In its April 5, 2021 opposition to Plaintiff Moore’s Cross-Motion to Transfer All Gerber Claims to the Eastern District of Virginia (*Moore v. Gerber Products Company*, No. 2:21-cv-02516-CCC-MF (D.N.J.), Dkt. No. 18), Gerber advised the Court that “transfer of venue of the Eastern District of Virginia actions *to* this district is warranted, and Gerber intends to so move.” (*Id.* at 18). Gerber has now so moved.

¹ See *In re Gerber Products Company Heavy Metals Baby Food Litigation*, No. 1:21-cv-00269-LO-TCB (E.D. Va.), Dkt. No. 29; *Hazely v. Gerber Products Company*, No. 1:21-cv-00321 (E.D. Va.), Dkt. No. 12; *Bryan v. Gerber Products Company*, No. 1:21-cv-00349 (E.D. Va.), Dkt. No. 12; *Adams v. Gerber Products Company*, No. 1:21-cv-00410 (E.D. Va.), Dkt. No. 10; *Wilson v. Gerber Products Company*, No. 1:21-cv-00372 (E.D. Va.), Dkt. No. 13; *Bryan v. Gerber Products Company*, No. 1:21-cv-00478 (E.D. Va.), Dkt. No. 20; *Cantor v. Gerber Products Company*, No. 1:21-cv-00489 (E.D. Va.), Dkt. No. 13.

Dated May 26, 2021

Respectfully submitted,

KELLEY DRYE & WARREN LLP

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CERTIFICATE OF SERVICE

I hereby certify that on May 26, 2021, I caused a copy of the foregoing to be filed electronically with the Clerk of the Court via the Court's ECF system which will send notification of such filing to all counsel of record.

By: /s/ Geoffrey W. Castello
Geoffrey W. Castello